IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL BAIL APPLICATION NO.4222 OF 2006

Mr.Mumtaz Ali Hassan Murad .. Applicant.

V/s.

The State of Maharashtra & Ors. .. Respondents.

Shri.P.A.Siddiqui for the applicant.

Shri.S.S.Pednekar, A.P.P. for the State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 12TH DECEMBER, 2006

P.C.:

1. The applicant is original accused No.6 in Sessions Case No.1019 of 1995. In the said Sessions Case, there involve as many as 35 accused. Out of these, about 17 accused have been acquitted. The balance are being tried. The applicant is one of them. The trials have been separated. The applicant despite summons to attend the sessions case had not been attending the same.

2. The applicant submits that as soon as he realised that the case is pending and is now placed for trial, he surrenderd before the Sessions Court and applied for bail. That application is rejected and that is why the instant application before this court.

3. On the last occasion, the applicant's counsel made a statement that the applicant resided at Kopadgaon Estate, Kholi No.6/112, Patra Chawl, Love Lane, Mazgaon, Mumbai - 10, but the said premises/building collapsed and that is why the applicant was unaware of the dates in the sessions case. The applicant now resided at the address mentioned in the cause title of the present application and would undertake to attend the sessions court on the dates fixed for trial and would give full co-operation in expeditious disposal of the matter. Accordingly, I had directed the applicant to place this undertaking affidavit. Accordingly, the undertaking is now placed in affidavit. The affidavit is taken on record and a copy of the said affidavit is already given to the learned A.P.P. Considering the undertaking in the affidavit so also the agreement to abide by all such conditions, which are imposed by this Court, the case of applicant for enlarging him on bail deserves to be considered favourably.

4. Hence, the following order : -

ORDER :

(i) Applicant is directed to be released on bail in connection with the C.R.No.43 of 1993, registered with Dongari Police Station, on executing personal bond in the sum of Rs.10,000/- (Rs.Ten thousand only) with one or two local sureties in like amount.

(ii) The applicant shall not influence prosecution witnesses or tamper with the prosecution evidence in any manner, whatsoever.

(iii) The applicant shall report to the concerned police station for a period of three weeks on every Saturday between 6.00 p.m. and 8.00 p.m. till conclusion of the trial. The applicant shall not leave Mumbai without prior permission of the Sessions Court.

(iv) The applicant shall disclose his place of

residence to the Investigating Officer as well as the Sessions Court where he would stay after the release on bail and shall report to the Sessions court before he travel beyond the State of Maharashtra where he would ordinarily reside.

(v) The applicant shall co-operate for early disposal of the trial. In the event, the Sessions court is of the opinion that the applicant is responsible for delay in trial, that be recorded in roznama and that can be the basis for cancellation of bail.

(vi) Application disposed of.

(S.C.Dharmadhikari, J.)